

# DECLARATION AND POWER OF ATTORNEY FOR ORIGINAL U.S. PATENT APPLICATION

Attorney's Docket No. 03-0569/LSI1P223

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: VAPORIZATION AND IONIZATION OF METALS FOR USE IN SEMICONDUCTOR PROCESSING the specification of which,

- (check one)
1. ☒ is attached hereto.
  2. ☐ was filed on \_\_\_\_\_ as  
U.S. Application No. \_\_\_\_\_  
and was amended on \_\_\_\_\_.
  3. ☐ was filed on \_\_\_\_\_ as  
International PCT Application No. \_\_\_\_\_  
and was amended on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, CFR § 1.56.

## Prior Foreign Application(s)

I hereby claim foreign priority benefits under Title 35, United States code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

			Priority Benefits Claimed?
			Yes ___ No ___
_____ (Application No.)	_____ (Country)	_____ (Filing Date)	
_____ (Application No.)	_____ (Country)	_____ (Filing Date)	Yes ___ No ___

## Provisional Application(s)

I hereby claim the benefit under 35 U.S.C. § 119(c) of any United States provisional application(s) listed below:

_____ (Application No.)	_____ (Filing Date)
_____ (Application No.)	_____ (Filing Date)

**Prior U.S. Application(s)**

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

_____ (Application No.)	_____ (Filing Date)	_____ (Status - patented, pending, abandoned)
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_____ (Application No.)	_____ (Filing Date)	_____ (Status - patented, pending, abandoned)
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**Power of Attorney**

And I hereby appoint the law firm of **Beyer Weaver & Thomas, LLP** and all practitioners who are associated with the Customer Number 022434 as my principal attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

**Direct Correspondence To:**

**Customer Number: 024319**



**Direct Telephone Calls To:**

**Timothy Croll at telephone number (408) 954-4923**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

**Typewritten Full Name of**

**Sole or First Inventor:** James Kimball

**Citizenship:** United States of America

**Inventor's signature:** James P. Kimball

**Date of Signature:** May 9, 2003

**Residence: (City)** San Jose

**(State/Country)** California/USA

**Post Office Address:** 15123 Stratford Drive, San Jose, California 95124

**Second Inventor:** Sheldon Aronowitz

**Citizenship:** United States of America

**Inventor's signature:** \_\_\_\_\_

**Date of Signature:** \_\_\_\_\_

**Residence: (City)** San Jose

**(State/Country)** California/USA

**Post Office Address:** 3577 Barley Court, San Jose, California 95127-4401

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***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

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In re application of: Kimball et al.

Attorney Docket No.: LSI1P223/03-0569

Application No.: Not yet assigned

Examiner: Not yet assigned

Filed: Herewith

Group: Not yet assigned

Title: VAPORIZATION AND IONIZATION OF METALS FOR USE IN SEMICONDUCTOR PROCESSING

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**DECLARATION OF FACTS IN SUPPORT OF APPLYING ON BEHALF OF OMITTED INVENTORS**

**Pursuant to 37 C.F.R. §1.47 (a)**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This declaration is made as to the facts that are relied upon to establish the diligent effort made to secure the execution of the Declaration for the above-identified patent application by the omitted inventor, Sheldon Aronowitz. This declaration is being made by an available person having first-hand knowledge of the facts recited therein.

I, James E. Austin, do hereby declare:

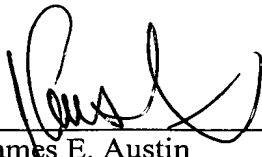
1. I am a patent attorney who prepared the above referenced application. The application names two inventors, Sheldon Aronowitz and James Kimball, both of whom were employed by LSI Logic Corporation ("LSI") at the time the invention of the subject application was made. During the course of the preparation of the subject application, the employment of Sheldon Aronowitz with LSI terminated.
2. On May 9, 2003, my assistant, Tara Hayden, sent a letter to Mr. Aronowitz, enclosing a copy of the completed application, a Declaration and Power of Attorney for Original U.S. Patent Application ("Declaration"), and an Assignment of Patent Application ("Assignment"), and requesting that the inventor sign the Declaration and Assignment for

filing with the application in the U.S. Patent Office. A copy of Ms. Hayden's May 9, 2003 letter to the non-signing inventor, Mr. Aronowitz, is attached as Exhibit A, hereto.

3. On May 20, 2003, Ms. Hayden received a letter from Mr. Aronowitz in response to her letter of May 9, 2003. In his letter, Mr. Aronowitz indicated that he was returning the subject patent application unread and unsigned and that he would only sign the Declaration and Assignment documents for the application if a satisfactory arrangement could be reached between himself and LSI, his former employer. A copy of Mr. Aronowitz's letter of May 19, 2003 is attached hereto as Exhibit B.
4. On May 20, 2003, I forwarded a copy of Mr. Aronowitz's letter of May 19, 2003 to the LSI patent attorney responsible for this application, Timothy Croll, and notified Mr. Croll in a telephone conversation of Mr. Aronowitz's position. Mr. Croll indicated to me that LSI would attempt to reach a satisfactory arrangement with Mr. Aronowitz for execution of the Declaration and Assignment documents.
5. From that time until the present I am informed by Mr. Croll that negotiations between LSI and Mr. Aronowitz have failed to achieve a satisfactory arrangement. Accordingly, Mr. Aronowitz has refused to sign the Declaration and Assignment documents for the application.
6. Mr. Aronowitz has assigned to LSI his interest in the invention described and claimed in the subject application pursuant to his employment agreement (Employee Invention and Confidential Information Agreement) dated February 16, 1993, a copy of which is attached hereto as Exhibit C.
7. Filing of the present application in a timely fashion is necessary to preserve the rights of the applicants and assignee, since a delay in filing could result in the application of intervening art against the application. Therefore, any further delay in filing the present application represents a risk to the patent rights. Accordingly, the accompanying Petition for Application by Other Than All the Inventors is being filed together with the subject application in order to preserve the patent rights.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
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James E. Austin  
Reg No.: 39,489  
10/29/03  
\_\_\_\_\_  
Date